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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,965	04/11/2001	Brent D. Larson	H25210	9717

7590 05/31/2002

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EXAMINER

NGUYEN, DUNG T

ART UNIT PAPER NUMBER

2871

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/832,965

Applicant(s)
Larson

Examiner
Dung Nguyen

Art Unit
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. .

Regarding claim 13, there is no teaching in the specification or drawing how the viewing angle can be an angle within a range of 25E to 60E from normal.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, it is confusing and unclear whether the claimed first polarization is the same one claimed first polarization orientation in base claim 1; for the purpose of examination, it is assumed that the first polarization of claims 10-12 are referring to the same element.

Regarding claim 13, it is unclear what is meant by “an angle of within 25E to 60E from normal” (emphasis added). For the purpose of examination, it is assumed that the viewing angle has an angle within a range of 25 to 60 degrees from normal.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 7, 12-15 and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson, US Patent No. 5,751,388.

The above claims are anticipated by Larson's figure 4 which disclose a polarized display device comprising:

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a polarized display panel (101) having front and rear polarizing filters and polarization modular;

a polarization rotating element (e.g., a retarder 108) for rotating light (according to the property of a retarder);

an optical film (e.g., polarization sensitive scattering element 109).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 6, 8-11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson, US Patent No. 5,751,388.

Regarding claim 4, Larson disclose the claimed invention as described above except for the polarization rotating element being index matched to the polarizing display panel. One of ordinary skill in the art would have realized the desire to match the index of the polarization rotating element and the polarizing display panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a polarization rotating element having the same index as those of the polarizing display panel because it is a common practice in

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the art to match index of various layers in a polarizing display device in order to avoid unwanted reflection and/or birefringence, which can degrade the performance of the display.

Regarding claim 6, Larson disclose the claimed invention as described above except for the polarization rotating element being located in front of the polarized display panel. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to form the polarization rotating element in front of the polarized display panel, since it has been held that rearranging parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70). In addition, it would have been an obvious matter of design choice to form the polarization rotating element in front of or in a rear of the polarized display panel since Applicant has not disclosed the polarization rotating element being located in front of the polarized display panel solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the polarization rotating element being located in rear of the polarized display panel.

Regarding claims 8-11 and 16, Larson disclose the claimed invention as described above except for the polarization rotating element being located between the polarized display panel and the optical film. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to form the polarization rotating element being located between the polarized display panel and the optical film, since it has been held that rearranging parts of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70). In addition, it would have been an obvious matter of design choice to form the polarization rotating element being

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located between the polarized display panel and the optical film since Applicant has not disclosed the polarization rotating element being located between the polarized display panel and the optical film solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the polarization rotating element being located in rear of the optical element.


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 746-7730.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
05/28/2002


William L. Sikes
Supervisory Patent Examiner
Group 2871